

Remarks/Arguments:

In the specification: paragraph 36 is amended to correct a typo pointed out in the Office Action.

In the claims: Claims 1-10, with claim 8 absent, were presented for examination. The claims are renumbered as claims 1-9. Hereafter, references to the claims will follow the corrected numbering.

Response to Claim Rejections – 35 USC §102

Claims 1, 7, 8, and 9 were rejected under §102 as anticipated by Wright '063, which discloses a container that serves as a dispenser for granular materials. The Wright container is plastic, and at several locations the Wright specification mentions molding as the apparent technique of forming component parts of it. An examination of Wright's drawings, such as consideration of chordal surface (30), also leads to the conclusion that the container is molded.

A molded container is made by a vastly different technology than draw-and-iron container bodies. Draw-and-iron technology dominates portions of the container industry, particularly the beverage industry, where low cost, high speed of production, and pressure resistance are critical to commercial success. Although Wright may show a container that is coincidentally similar to applicant's claimed container, Wright does not anticipate or enable such a container in the draw-and-iron art. Consequently, claims 1 and 9 are amended in the preamble to refer to a draw-and-ironed container side wall, which identifies a distinctly different area of technology than the molded container art. Applicant states an invention not known in the draw-and-ironed art and which is not anticipated by molded containers.

At paragraph [0004], applicant's specification identifies the draw-and-ironed art as the relevant background of this invention.

Claims 1 and 6 were rejected under §102 as anticipated by Sovari et al '203. Sovari discloses a container with conventional bottom structure (col. 2, line 63), which the Office Action equates to applicant's first end wall. Sovari discloses a second (top) end wall that the Office Action deems to have an extension wall, defined in the Office Action as a wall extending beyond reference number (4) in the vertical direction.

Sovari does not anticipate the claims. Applicant's invention combines these two distinct features:

1. A seamed first wall or top wall. According to the invention, seaming is important on the top wall because the container must be filled from the top in order to take advantage of the expanded bottom volume enabled by an extension wall on the bottom end. Thus, the first critical difference from Sovari is that Sovari fails to anticipate a seamed first wall that enables an extra volume at the opposite end to be used. The Office Action merely cites a non-illustrated bottom portion of Sovari's container as embodying the first end wall. Sovari describes this non-illustrated wall as being constructed in "conventional manner" (col. 1, line 64). Clearly Sovari does not anticipate that the first wall must be seamed, since a "conventional" first wall might be seamed or might be one-piece with the sidewall. Equally clear, Sovari fails as an anticipation of claim 1, which requires, "a first end wall seamed to said side wall . . ."

2. An extension wall as a part of the second end wall. According to the invention, the second end wall includes the extension wall. The second end wall also includes a pre-formed dispensing opening. The extension wall establishes the extra volume that can be filled via the opposite end of the container. The presence of the pre-formed dispensing opening on the second end distinguishes from known one-piece container bodies that sometimes have a protruding bottom wall, but never a known pre-formed opening.

Sovari fails to anticipate the extension wall. The Office Action mentions "the wall extending beyond reference number (4) in the vertical direction." The mentioned tapering wall beyond numeral (4) is the normal neck formed on container body. The neck is part of the container body, but it is not part of the *second end wall*, as required by claim 1. Sovari shows a seamed second end wall (5), with its periphery clearly established by the seam. The hypothetical extension wall cited in the Office Action unquestionably is part of the container sidewall and not a part of the end wall.

Therefore, to recap the distinctions from present claim 1, one end of a draw-and-iron container body is a seamed-on end, allowing the container to be filled from this end to take advantage of an extra volume established at the opposite end. The opposite or second end provides an extension wall as a part of the second end (as distinguished from the container body sidewall) and includes a pre-formed opening on the end panel. These combined features provide an expanded container volume with resultant material savings.

Response to Claim Rejections – 35 USC §103

Wright '063, which is distinguished from the claims by amendment, is a basis of all rejections under §103. Neither Wright nor any other reference shows the claimed container structure or method filling. Accordingly, the claims are believed to be allowable over the cited art under both §102 and §103.

Appl. No. 10/710,816
Amendment dated February 15, 2007
Reply to Office Action of Nov. 15, 2006

Conclusion

Applicant has clearly and specifically pointed out the patentability of each claim and the new result achieved by this invention. Accordingly, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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